

REMARKS

Applicants respectfully request reconsideration of this application.

As a preliminary matter, in the Office Action mailed December 24, 2003, the Examiner did not attach an initialed copy of the PTO-1449 forms that were mailed to the PTO on June 16, 2000 and September 16, 2003. A courtesy copy of said PTO-1449 forms are attached herewith. Applicants respectfully request that the Examiner indicate that the references listed on said PTO-1149 forms have been considered and made of record.

Office Action Rejections Summary

Claims 1, 3-10, 12-20, 47-57, 68-90, and 94-97 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,173,317 of Chaddha ("Chaddha") in view of U.S. Patent No. 6,128,653 of del Val ("del Val").

Claims 2, 11, 47, 48, 51-54, 62-71 and 91-93 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of U.S. Patent No. 5,991,799 of Yen ("Yen").

Claims 58-61 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of Yen to del Val and of U.S. Patent No. 5,512,935 of Majeti ("Majeti").

Status of Claims

Claims 1-20 and 47-98 remain pending in the application. Claims 1, 9 and 47 have been amended to more properly define preexisting limitations and correct for typographical errors. The amended claims are supported by the specification. No claims have been added. No new matter has been added. No claims have been canceled.

Claim Rejections

Claims 1 and 3-8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of del Val. Applicants submit that claim 1 is patentable over the cited references.

As amended claim 1 recites:

A method for providing a video image, comprising:
 receiving a video data stream and an associated data stream
corresponding to the video data stream **by a computer system**; and
 displaying the video image defined by the video data stream on a display device of the computer system and **performing an interactive command function specified by the associated data stream.**

(emphasis added)

The Office Action states:

Regarding claims 1, 9, Chaddha discloses in figures 9 and 10A, a device 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device and associated web content is retrieved for display with the video (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34). Chaddha does not disclose and interactive command function specified by the associated data stream. Del Val discloses utilizing HTTP protocol for streaming digital media, a user's browser, or browser plugin utilizes HTTP to send play, stop, rewind, fast-forward and pause commands to the web server/video server (Figure 5, column 8, line 64-column 9, line 60). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to utilize HTTP commands to control a data stream as taught by del Val and enable the transmission of video across a firewall.

(Office Action 12/24/03, pages 2-3).

It is respectfully submit that the Office Action's suggested combination of del Val with Chaddha would require a substantial reconstruction and redesign of Chaddha. More specifically, in the system of Chaddha, the VCR-type functions are designed to operate with an applet 969 of viewer 249 that sends a message using a data packet (e.g., a TCP

data packet) to server 220 to resynchronize it with the viewer. To modify Chaddha to send messages to server 220 using the entity body of an HTTP request as taught by del Val would require substantial reconstruction and redesign of Chaddha. Therefore, the teachings of the cited references are not sufficient to render claim 1 unpatentable. See MPEP 2143.03.

Moreover, even if the cited references were combined in the manner purported by the Office Action, such a combination lacks limitations appearing in claim 1. In del Val, the media command functions (e.g., PLAY and REWIND) are **not** specified by an associated data stream **received by the client**. Rather, these media command functions are specified by the entity body of an HTTP request that is sent to and **received by the server**. (del Val, col. 9, line 29 to col. 10, line 12). As such, even if del Val were combined with Chaddha, a different computer system would receive the media commands than the computer system receiving the video stream. More specifically, the servers of these networks, not the clients, would be receiving the media command functions, whereas the clients receive the video stream.

In contrast, claim 1 includes the limitation that the **associated data stream**, specifying the interactive command, **is received by the computer system that receives the video data stream**. Therefore, claim 1 is patentable over the cited references.

Given that claims 3-8 depend from claim 1, applicants submit that claims 3-8 are also patentable over the cited references.

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of Yen. Applicants submit that claim 2 depends from and includes the limitations of claim 1. Furthermore, applicants submit that Yen fails to cure the deficiencies of Chaddha noted above with respect to the limitations of claim 1 and, therefore, claim 2 is patentable over the cited references.

Claims 9-10 and 12-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of del Val. Applicants submit that claim 9 is patentable over the cited references.

As amended claim 9 recites:

A method, comprising:

receiving, by a computer system, a video stream and a data stream synchronized to the video stream, the data stream specifying at least one graphical command;

generating a video scene defined by the data stream onto a portion of a display screen of the computer system; and

performing a graphical operation on the display screen defined by the command.

(emphasis added)

The Office Action states:

Regarding claims 1, 9, Chaddha discloses in figures 9 and 10A, a device 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device and associated web content is retrieved for display with the video (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34). Chaddha does not disclose and interactive command function specified by the associated data stream. Del Val discloses utilizing HTTP protocol for streaming digital media, a user's browser, or browser plugin utilizes HTTP to send play, stop, rewind, fast-forward and pause commands to the web server/video server (Figure 5, column 8, line 64-column 9, line 60). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to utilize HTTP commands to control a data stream as taught by del Val and enable the transmission of video across a firewall.

(Office Action 12/24/03, pages 2-3).

Applicant respectfully submits that the Office Action does not identify where del Val discloses the claim 9 limitations of a “data stream specifying at least one graphical command” and “performing a graphical operation on the display screen defined by the command.” Moreover, applicants submit that del Val does not disclose such limitations.

The del Val reference only teaches the transmission of media commands that are PLAY, STOP, REWIND, FAST FORWARD and PAUSE. (del Val, col. 9, lines 30-33). Therefore, del Val fails to cure the deficiencies of Chaddha noted in applicants' previous response with respect to the annotated data streams of Chaddha. In particular, Chaddha discloses a technique for providing a video stream together with an annotation stream. The annotation streams include annotation frames that provide either pointers to the events of interest or include displayable data embedded within the annotation stream. (Chaddha, col. 2, lines 20-50). As such, the annotation stream does not perform any graphical operations on the computer screen. The annotation stream of Chaddha merely provides data such as ticker tape data and URL addresses that are displayed on the screen. (Chaddha, col. 2, lines 50-57). The annotation stream does not include graphical commands. Furthermore, the customized LiveScreen display 600 of Figure 6 having the VCR-like controls referred to by the Office Action is not defined by any data, let alone commands, in the annotation stream. Rather, a designer 219 **uses an author module 318 to compose the LiveScreen display format that defines the layout of LiveScreen display 245.** (Chaddha, col. 6, lines 22-30). Therefore, applicants submit that claim 9 is patentable over the cited references.

Given that claims 10 and 12-20 depend from claim 9, applicants submit that claims 10 and 12-20 are also patentable over the cited references.

Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of Yen. Applicants submit that claim 11 depends from and includes the limitations of claim 9. Furthermore, applicants submit that Yen fails to cure the deficiencies of Chaddha noted above with respect to the limitations of claim 9 and, therefore, claim 11 is patentable over the cited references.

Claims 47-57 and 68-71 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of del Val. **It is respectfully submit that no analysis appears to have been provided for such a rejection. Therefore, it is submitted that the rejection is improper and it is respectfully requested that the rejection be withdrawn.**

Claims 47 and 48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of Yen. Applicants submit that claim 47 is patentable over the cited references.

As amended claim 47 recites:

A data modem, comprising:

a data selector to receive digital data and extract a video data stream and an associated data stream from the digital data, the video data stream being coded in a series of video scan intervals of the digital data and the associated data stream being coded in a series of nonvideo scan intervals of the digital data;

a video queue coupled to the data selector, the video queue to receive the video data stream and assemble corresponding video packets; and
an associated data queue coupled to the data selector to receive the associated data stream and assemble corresponding associated data packets, **the associated data packets to specify at least one graphical command, the graphical command comprising a command that specifies a set of parameters to configure a video display based on the video packets.**

(emphasis added)

Chaddha discloses a technique for providing a video stream together with an annotation stream. The annotation streams include annotation frames that provide either pointers to the events of interest or include displayable data embedded within the annotation stream. (Chaddha, col. 2, lines 20-50). As such, the annotation stream does not perform any graphical operations on the computer screen. The annotation stream of Chaddha merely provides data such as ticker tape data and URL addresses that are displayed on the screen. (Chaddha, col. 2, lines 50-57). The annotation stream does not include graphical commands. Furthermore, the customized LiveScreen display 600 of

Figure 6 having the VCR-like controls referred to by the Office Action is not defined by any data, let alone commands, in the annotation stream. Rather, a designer 219 **uses an author module 318 to compose the LiveScreen display format that defines the layout of LiveScreen display 245.** (Chaddha, col. 6, lines 22-30). Yen fails to cure this deficiency of Chaddha.

In contrast, claim 47 includes the limitation of the associated data packets to specify at least one graphical command, the graphical command comprising a command that specifies a set of parameters to configure a video display based on the video packets. Therefore, applicants submit that claim 47 is patentable over the cited references.

Given that claim 48 depends from claim 47, applicants submit that claim 48 is also patentable over the cited references.

For reasons similar to those given above with respect to claim 47, applicants submit that claims 51-54 are also patentable over the cited references.

Claims 58-61 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of Yen and del Val and Majeti. Applicants submit that claim 58 is patentable over the cited references.

Claim 58 recites:

An interactive video system, comprising:
a receiver; and
a computer coupled to the receiver, the computer comprising:
a data modem to receive signals, the signals comprising a video data stream and an associated data stream synchronized to the video data stream, the associated data stream specifying at least one graphical command, the video stream being coded in a series of video scan intervals of the signals and the data stream being coded in a series of nonvideo scan intervals of the signals; and
a display device coupled to the data modem, the associated data stream also specifying a graphical object for display on a portion of a display device, **the display device to perform a graphical operation on the portion of the display device defined by the at least one graphical command.**

(emphasis added).

Chaddha discloses a technique for providing a video stream together with an annotation stream. The annotation streams include annotation frames that provide either pointers to the events of interest or include displayable data embedded within the annotation stream. (Chaddha, col. 2, lines 20-50). As such, the annotation stream does not perform any graphical operations on the computer screen. The annotation stream of Chaddha merely provides data such as ticker tape data and URL addresses that are displayed on the screen. (Chaddha, col. 2, lines 50-57). **The annotation stream does not include graphical commands.** Furthermore, the customized LiveScreen display 600 of Figure 6 having the VCR-like controls referred to by the Office Action is not defined by any data, let alone commands, in the annotation stream. Rather, a designer 219 **uses an author module 318 to compose the LiveScreen display format that defines the layout of LiveScreen display 245.** (Chaddha, col. 6, lines 22-30). Applicants submit that Yen and del Val and Majeti fail to cure this deficiency of Chaddha.

In contrast, claim 58 includes the limitation of the display device to perform a graphical operation on the portion of the display device defined by the at least one graphical command. Therefore, applicants submit that claim 58 is patentable over the cited references.

Given that claims 59-61 depend from claim 58, applicants submit that claim 59-61 are also patentable over the cited references.

Claims 62-67 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of Yen. **It is respectfully submit that there appears to be no new ground of rejection with respect to claims 62-67 and that the Office Action has not addressed the applicant's previous argument with respect to the rejection of claims 62-67 over Chaddha in view of Yen. The response is repeated below.**

Applicants respectfully request the Examiner to address the argument below if the Examiner continues to maintain the rejection.

Applicants submit that claim 62 is patentable over the cited references.

Claim 62 recites:

A system, comprising:

means for receiving a video stream and a data stream synchronized to the video stream, **the data stream specifying at least one graphical command**, the data stream also specifying a graphical object for display on a portion of a display screen, the video stream being coded in a series of video scan intervals of a video signal and the data stream being coded in a series of nonvideo scan intervals of the video signal;

means for receiving an audio stream synchronized to the video stream and playing the audio stream through an audio subsystem of the computer system;

means for **generating a video scene defined by the graphical object specified in the data stream** onto the portion of the display screen of the computer system; and

means for performing a graphical operation on the portion of the display screen defined by the at least one graphical command.

(emphasis added)

Chaddha discloses a producer 215 is used to generate LiveScreen display 245 that **may include an HTML page** window 640. Moreover, the generation of the LiveScreen display 245 using producer 215 is **independent of the annotation stream**. As such, any command function specified by the VCR like controls is not specified by the annotation stream. Moreover, the annotation stream is not used when the VCR functions are invoked.

In contrast, claim 62 recites “generating a video scene defined by the graphical object specified in the data stream.” Applicants respectfully submit that nothing in either Chaddha or Yen teaches or suggests such a limitation.

Moreover, applicants respectfully submit that Chaddha cannot be combined in the manner purported by the Office Action. The Office Action states:

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to transmit additional information within

the VBI in order to provide supplementary content to a user without internet access.

Applicants submit that nothing in Chaddha teaches or suggests the use of a tuner capable of receiving television broadcast signals and thus does not teach the use of VBI. In contrast, Chaddha pertains to the receipt of video streams provide in an internet protocol format. As such, one of skill in the art facing the problems confronting the inventors of Chaddha would not be motivated to look to the teachings of Yen for solutions. Moreover, such a combination would not render an operable device since there is no VBI in the internet protocol of Chaddha. Therefore, applicants submit that claim 62 is patentable over the cited references.

Given that claims 63-64 depend from claim 62, applicants submit that claims 63-64 are also patentable over the cited references.

For reasons similar to those given above with respect to claim 62, applicants submit that claims 65-67 are also patentable over the cited references.

Claims 68-71 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of Yen. Applicants submit that claim 68 is patentable over the cited references.

Claim 68 recites:

A computer system, comprising:

 a data modem to receive a video data stream and an associated data stream corresponding to the video data stream;

 a display device to display a video image defined by the video data stream;
and

 a processor to **perform an interactive command function specified by the associated data stream**, wherein the interactive command function comprises a command that specifies a set of parameters that controls the configuration of the video image including determining an area on a display surface of the display device for placement of a graphical object that corresponds to the video image.

(emphasis added)

Applicants disagree with the Office Action's characterization of Chaddha. Applicants respectfully submit that the VCR functions are not provided for by the annotation stream as purported by the Office Action. Rather, the VCR functions are provided for by a viewer 249 that is generated by a designer 219. In particular, Chaddha states:

Note that since VCR buttons are under the interactive control of viewer 249, activation points in the time line cannot be predicted in advance, so **no annotation stream is used.**

(Chaddha, col. 9, line 65 to col. 10, line 1)(emphasis added)

As such, any command function specified by the VCR like controls is not specified by the annotation stream. Moreover, the annotation stream is not used when the VCR functions are invoked. Yen fails to cure this deficiency.

In contrast, claim 68 recites "a processor to **perform an interactive command function specified by the associated data stream.**" Therefore, applicants submit that claim 68 is patentable over the cited references.

Applicants submit that claim 69 is patentable over the cited references.

Claim 69 recites:

A computer system, comprising:

a data modem to receive a video stream and a data stream synchronized to the video stream, wherein the data stream specifies a graphical object for display on a display screen, **the data stream specifying at least one graphical command;**

a processor to **generate a video scene defined by the data stream** onto a portion of the display screen of the computer system; and

a display subsystem to perform a graphical operation on the display screen defined by the graphical command, wherein the graphical command controls the configuration of the video scene.

(emphasis added)

Applicants disagree with the Office Action's characterization of Chaddha. Applicants respectfully submit that the VCR functions are not provided for by the

annotation stream as purported by the Office Action. Rather, the VCR functions are provided for by a viewer 249 that is generated by a designer 219. In particular, Chaddha states:

Note that since VCR buttons are under the interactive control of viewer 249, activation points in the time line cannot be predicted in advance, so **no annotation stream is used.**

(Chaddha, col. 9, line 65 to col. 10, line 1)(emphasis added)

As such, any command function specified by the VCR like controls is not specified by the annotation stream. Moreover, the annotation stream is not used when the VCR functions are invoked. Yen fails to cure this deficiency.

In contrast, claim 69 recites “the data stream specifying at least one graphical command [and] a processor to **generate a video scene defined by the data stream.**”

Therefore, applicants submit that claim 69 is patentable over the cited reference.

For reasons similar to those given above with respect to claim 69, applicants submit that claims 70-71 are patentable over the cited references.

Claims 72-90 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of del Val. The Office Action states:

Regarding claims 72-89, Chaddha discloses in figures 9 and 10A, a computer 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line 1-5), additionally Chaddha discloses that microprocessor 116 controls the computer 100 and controls the reception and manipulation of input data and supplies the data to be output on display devices (column 4, lines 10-32). Chaddha inherently specifies a

color palate, location of objects on the screen, text and text attributes as Chaddha utilizes HTML to create the display screen. Chaddha does not disclose and interactive command function specified by the associated data stream. Del Val discloses utilizing HTTP protocol for streaming digital media, a user's browser, or browser plugin utilizes HTTP to send play, stop, rewind, fast-forward and pause commands to the web server/video server (Figure 5, column 8, line 64-column 9, line 60). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to utilize HTTP commands to control a data stream as taught by del Val and enable the transmission of video across a firewall.

First, applicants respectfully submit that Chaddha does not disclose that it uses HTML to create the display screen 245. Rather, a producer 215 is used to generate LiveScreen display 245 that **may include an HTML page** window 640. In addition, the Examiner is respectfully reminded that the fact that a certain characteristic may be present in a reference is not sufficient to establish the inherency of such. Inherency may not be established by probabilities or possibilities. (See MPEP 2112).

Moreover, the generation of the LiveScreen display 245 using producer 215 is **independent of the annotation stream**. As such, any command function specified by the VCR like controls is not specified by the annotation stream. Moreover, the annotation stream is not used when the VCR functions are invoked.

Furthermore, it is respectfully submit that the Office Action's suggested combination of del Val with Chaddha would require a substantial reconstruction and redesign of Chaddha. More specifically, in the system of Chaddha, the VCR-type functions are designed to operate with an applet 969 of viewer 249 that sends a message using a data packet (e.g., a TCP data packet) to server 220 to resynchronize it with the viewer. To modify Chaddha to send messages to server 220 using the entity body of an HTTP request as taught by del Val would require substantial reconstruction and redesign of Chaddha. Therefore, the teachings of the cited references are not sufficient to render claim 1 unpatentable. See MPEP 2143.03.

Moreover, even if the cited references were combined in the manner purported by the Office Action, such a combination lacks limitations appearing in claims. In del Val, the media command functions (e.g., PLAY and REWIND) are **not** specified by an associated data stream **received by the client**. Rather, these media command functions are specified by the entity body of an HTTP request that is sent to and **received by the server**. (del Val, col. 9, line 29 to col. 10, line 12). As such, even if del Val were combined with Chaddha, the servers of these networks, not the clients, would be receiving the media command functions, whereas the clients receive the video stream.

In contrast, claim 72 recites “a modem to receive a video stream and a data stream synchronized to the video stream, the data stream specifying at least one graphical command.” Therefore, claim 72 is patentable over the cited references.

In contrast, claim 73 includes the limitation of “a modem to receive at least a portion of a video frame from a transmitter, the modem to receive a command from the transmitter; and a processor to configure the display according to the command.” Therefore, applicants submit that claim 73 is patentable over the cited references.

For reasons similar to those given above with respect to claim 73, applicants submit that claims 74-83 are patentable over the cited references.

For reasons similar to those given above with respect to claim 72, applicants submit that claims 74-83 are patentable over the cited references.

In contrast, claim 84 includes the limitation of “a modem to receive at least a portion of a video frame from a transmitter, the modem to receive a command from the transmitter; and a processor to configure the display according to the command, wherein the command controls the configuration of the at least a portion of the video frame.”

For reasons similar to those given above with respect to claim 84, applicants submit that claims 85-90 are patentable over the cited references.

Claims 91-93 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of Yen. Claims 91-93 depend from and include the limitations of claim 90. Applicants submit that Yen fails to cure the deficiencies noted above with respect to claim 90. Therefore, applicants submit that claims 91-93 are patentable over the cited references.

Claims 94-97 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chaddha in view of del Val. For reasons similar to those given above with respect to claim 73, applicants submit that claims 94-97 are patentable over the cited references.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.

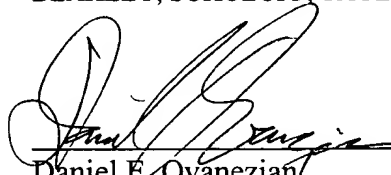
If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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